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1 — EPA to propose ending Obama-era Clean Power Plan: report, The Hill, 10/4/17

<http://thehill.com/policy/energy-environment/353797-epa-to-propose-ending-obama-era-clean-power-plan-report>

The Environmental Protection Agency (EPA) is ready to repeal the centerpiece regulations former President Obama instituted to fight climate change, according to a department document obtained by Reuters.

2 — EPA misses deadline on ozone, leaving San Antonio without answers, San Antonio Express-News, 10/3/17

<http://www.expressnews.com/news/local/article/EPA-misses-deadline-on-ozone-leaving-San-Antonio-12250484.php>

The U.S. Environmental Protection Agency has missed a key deadline to say whether San Antonio's air meets smog standards, as local leaders grapple with what they can do without state and federal support.

3 — 'Gravely mislead' on cap: Waste pits leaks topic at meeting, Baytown (TX) Sun, 10/3/17

http://baytownsun.com/news/article_b9bbf748-a7dc-11e7-895e-bf5af1bdfd2e.html

The Environmental Protection Agency recently confirmed that the San Jacinto River Waste Pits sustained damage from Harvey, which will be a hot topic of discussion at tonight's San Jacinto River Coalition meeting.

4 — Lawsuit: Arkema harmed residents before fires, blasts, Houston Chronicle, 10/3/17

<http://www.houstonchronicle.com/news/houston-texas/houston/article/Lawsuit-Arkema-harmed-residents-before-fires-12251005.php>

Even before explosions at the Arkema chemical plant shook the Crosby area, the battering from Hurricane Harvey had led to the release of more than 20,000 pounds of toxic chemicals into floodwaters, according to a lawsuit filed Tuesday.

5 — In wake of major floods, Texas water agency drafting statewide flood plan, Texas Tribune, 10/4/17

<https://www.texastribune.org/2017/10/04/texas-drafting-statewide-flood-plan-2019-legislative-session/>

The Texas Water Development Board is crafting the state's first-ever flood plan, which will take a comprehensive look at flooding vulnerabilities across the state and the projects that might mitigate them.

6 — Flooded residents seek answers from public officials, Houston Chronicle, 10/4/17

<http://www.chron.com/news/houston-texas/houston/article/Flooded-residents-seek-answers-from-public-12251080.php>

Every pew was filled Tuesday evening at St. John Vianney Catholic church, as hundreds of West Houston residents voiced their concerns more than a month after Hurricane Harvey left many of their homes flooded out and unlivable.

7 — Appeals court revives lawsuit about jurisdiction over Medina Lake, San Antonio Express-News, 10/3/17

<http://www.expressnews.com/news/local/article/Appeals-court-revives-lawsuit-about-jurisdiction-12250474.php>

A jurisdictional dispute between two area water agencies concerning Medina Lake is headed back to court in Bandera County after the Fourth Court of Appeals reversed a trial judge's 2016 ruling.

8 — Research team maps Harvey's toll on Galveston Bay, Houston Chronicle, 10/3/17

<http://www.houstonchronicle.com/news/houston-texas/houston/article/Research-team-maps-Harvey-s-toll-on-Galveston-Bay-12250793.php>

As the R/V Trident sped northwest through Galveston Bay, students and researchers from Texas A&M University's Galveston campus donned blue latex gloves and bright orange life vests. Just ahead was Morgan's Point, at the entrance of the Port of Houston, the first stop of 10 planned to catalogue the chemical and biological effects on Galveston Bay of one of the worst storms in U.S. history.

9 — Harvey disrupts Chevron Phillips Chemical expansion project, Baytown (TX) Sun, 10/4/17

http://baytownsun.com/news/article_fd3a3dae-a8a4-11e7-b9d2-739c0301d088.html?referer_url=/news/article_fd3a3dae-a8a4-11e7-b9d2-739c0301d088.html

While Chevron Phillips Chemical is commissioning and starting-up its new polyethylene units at Old Ocean, there is a slight delay with its ethane cracker in Baytown.



EPA to propose ending Obama Clean Power Plan: report

BY JULIA MANCHESTER - 10/04/17 09:31 AM EDT

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© Greg Nash

The Environmental Protection Agency (EPA) is ready to repeal the centerpiece regulations former President Obama instituted to fight climate change, according to a department document obtained by [Reuters](#).

Reuters reports that the document was distributed to the agency's Regulatory Steering Committee, and that it proposes to repeal Obama's Clean Power Plan.

President Trump has already announced he would pull the United States out of the Paris climate agreement, and he launched a review of the Obama plan in March. The Clean Power Plan was the main way Obama had hoped to meet U.S. obligations to reduce climate emissions under the Paris deal.

This would be the first major action taken by Trump to roll back the program.

More than two dozen states sued the administration over the plan. The case is now suspended, and the administration faces a Friday deadline to say how it wants to proceed.

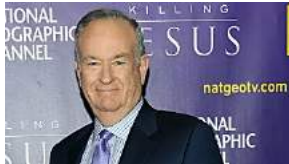
The Clean Power Plan, which sets carbon reduction targets for states to apply to their energy sectors, contrasts with the administration's efforts to revamp nonrenewable energy industries, such as the coal and mining sectors.

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The Hill has reached out to the EPA for comment.

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EPA misses deadline on ozone, leaving San Antonio without answers

By **Brendan Gibbons** | October 3, 2017 | Updated: October 3, 2017 5:08pm

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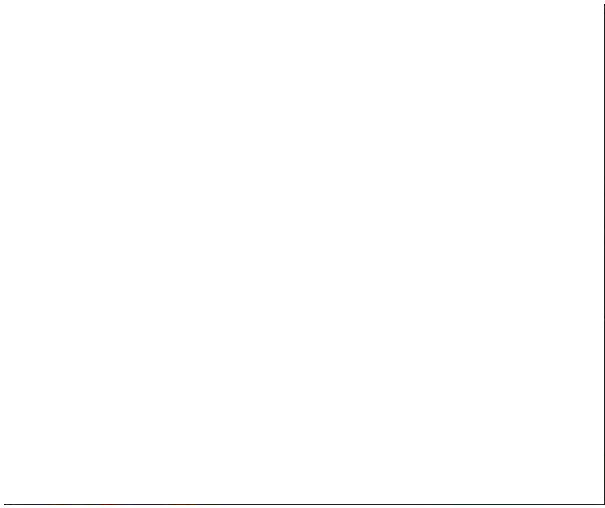


Photo: Kin Man Hui /San Antonio Express-News

IMAGE 1 OF 2

A view of downtown from the Northside of San Antonio on Aug. 12, 2016.

The U.S. Environmental Protection Agency has missed a key deadline to say whether San Antonio's air meets smog standards, as local leaders grapple with what they can do without state and federal support.



The EPA had planned to make an official designation on Oct. 1 on whether the air in three-dozen cities meets the health standard for ozone, a key ingredient in smog. Currently, 38 areas in the U.S. officially do not meet the standard, according to EPA slides published by news outlet Inside EPA.

The EPA had said in June it would push the deadline back to 2018, then did an about-face after 16 Democratic attorneys general and environmental groups filed lawsuits.

“We have no further information to share at this time,” EPA spokeswoman Enesta Jones said in an email response to questions about when San Antonio can expect a decision.

San Antonio remains the largest U.S. city that still officially meets all federal air standards. Its ozone levels have been trending down over the years but now remain slightly above the most recent ozone standard set in 2015.

If the violation becomes official, it will affect planning for new road projects and lead to greater scrutiny on heavy industrial businesses that want to move to or expand in San Antonio. The Texas Commission on Environmental Quality also will have to compile an inventory of large industrial businesses with high emissions.

A **recent economic impact study** found that the violation could cost the region between \$117 million and \$1.2 billion per year.

Cost of not meeting ozone standards

Failing to meet federal ozone regulations could cost San Antonio up to \$1.2 billion over the next 30 years, according to early results of a study by St. Mary's University professor Steve Nivin. Here is a breakdown by county for lower and higher ozone levels.

County	Low level low estimate	Low level high estimate	High level low estimate	High level high estimate
Atascosa	\$3,000,000	\$22,100,000	\$5,394,000	\$25,883,000
Bandera	\$304,000	\$8,600,000	\$1,335,000	\$10,213,000
Bexar	\$79,700,000	\$797,700,000	\$175,190,000	\$947,745,000
Comal	\$14,700,000	\$61,900,000	\$21,536,000	\$72,330,000
Guadalupe	\$15,000,000	\$72,500,000	\$22,297,000	\$84,092,000
Kendall	\$844,000	\$15,000,000	\$2,690,000	\$17,896,000
Medina	\$2,500,000	\$21,800,000	\$4,900,000	\$25,657,000
Wilson	\$1,400,000	\$19,700,000	\$3,759,000	\$23,453,000
San Antonio- New Braunfels metro area	\$117,400,000	\$1,020,000,000	\$237,101,000	\$1,207,269,000

At ground level, ozone irritates and damages the lungs. It affects those with chronic lung conditions more severely than healthy people, but its effects can worsen with time, Metropolitan Health District Director Colleen Bridger said.

“The effect of ozone on the lungs is kind of like the effects of sunburn on the skin,” she said at San Antonio City Council committee briefing last week.

Ozone forms when nitrogen oxides and volatile organic compounds from sources like power plants, industrial burners, vehicles and outdoor chemical use react with sunlight.

Over the last two years, local governments have tried to take a more active role in reducing ozone levels. The San Antonio City Council **passed an ordinance in 2015** requiring businesses that produce ozone-forming emissions to register with Metro Health, though the ordinance does not enforce any pollution limits.

“The idea is to come up with as much data as possible so we can come up with strategies to improve our air quality,” city Chief Sustainability Officer Doug Melnick said.

There’s also the problem of long-distance transport. According to photochemical modeling studies by the Alamo Area Council of Governments, 32 percent of San Antonio’s ozone actually originates here. The other 68 percent blows in from other cities and abroad, including Mexico and South America.

“How do you cure a problem where 68 percent of it comes from somewhere else?” asked District 6 Councilman Greg Brockhouse at the committee meeting. “I’m all for helping our little world, our little piece of it, our one third,” he added.

Of the nitrogen oxides that originate in Bexar, Comal, Guadalupe and Wilson counties, 58 percent comes from vehicles, construction equipment and other mobile sources, according to state data from 2014.

Sources of ozone in San Antonio area

Ozone, a key component of smog, forms when air pollutants -- nitrogen oxides or volatile organic compounds -- interact with sunlight. This chart covers 2014 emissions sources in Bexar, Comal, Guadalupe and Wilson counties.

Point sources	Mobile source	Area source	
Nitrogen oxides	34%	58%	8%
Volatile organic compounds	29%	67%	

Point sources include power plants, industrial facilities and other stationary sources that produce relatively high emissions.

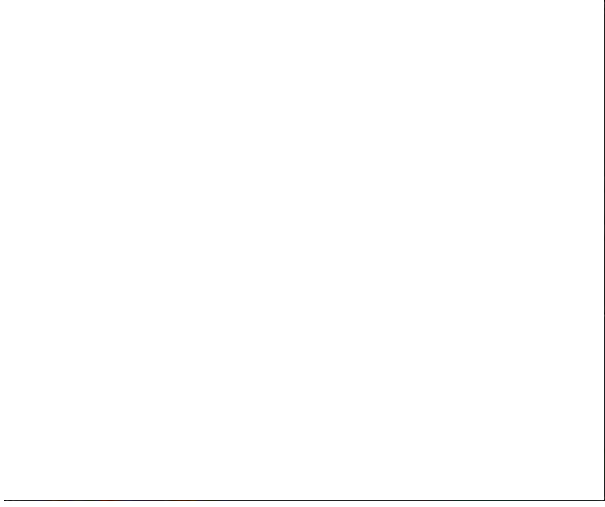
Mobile sources are cars, trucks, airplanes, drilling rigs and other vehicles.

Area sources include landfills, light industry and commercial sources and agriculture.

Source: [Texas Commission on Environmental Quality](#)

Another 34 percent comes from large emitters like power plants and industrial sites, known as point sources. The remaining 8 percent comes from smaller, spread-out sources like gas stations,

outdoor chemical use, landfills and others.



Those spread-out sources make up 67 percent of the four counties' emissions of volatile organic compounds, or VOCs, the other main ingredient in ozone. Another 29 percent of VOCs come from vehicles, with point sources making up only 4 percent.

Some officials and environmental activists have emphasized the public health benefits of bringing local ozone levels down. Bridger presented early results of what she called a "health analysis" of ozone in Bexar County.

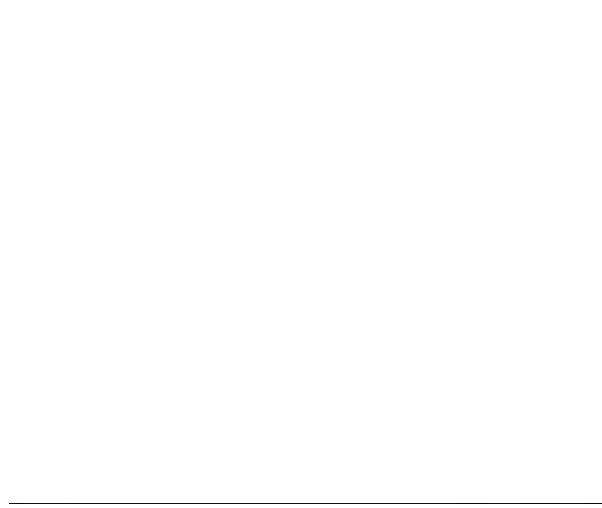
From 2010 to 2014, 4,768 people in the county died of respiratory conditions. If ozone levels had been 2.2 percent higher, violating the federal standard, it would have led to 19 additional deaths. Had levels been 2.8 percent lower, meeting the standard, 24 deaths could have been avoided, Bridger said.

"It's not just because the federal government told us to do it," she said. "It's because ozone is bad for the public's health."

In 2016, San Antonio, Bexar County and Leon Valley passed **ordinances limiting idling of heavy trucks and buses**. San Antonio officials have said that they don't want to leave the problem solely in the hands of state and federal regulators.

"I would not like to see us in a role where the state is going to determine everything that we do," said District 7 Councilwoman Ana Sandoval, who has experience working on air quality and public health issues.

In June, Gov. Greg Abbott **cut funding to the Alamo Area Council of Governments**, a coalition of county and city governments in the San Antonio and the only entity regularly studying ozone in the region.



The veto eliminated \$700,000 per year that went to AACOG. Abbott said local governments should fund these efforts to keep cities' air cleaner.

That's essentially what happened. Earlier this month, AACOG Executive Director Diane Rath said the city and Bexar County each agreed to provide \$125,000 in funding to keep AACOG's air quality staff working through 2018. Still, they had to lay off four employees in July, she said.

CPS Energy, the city's publicly owned gas and electric utility, **also stepped in with \$135,000** to keep six AACOG air monitors running through November 2018, plus a new monitor installed at Government Canyon State Natural Area.

Local cement, construction material and energy companies **also agreed to help fund AACOG studies** of pollution from businesses like theirs and heavy-duty vehicles. Capitol Aggregates, Martin Marietta, CEMEX, Alamo Cement Co., the South Texas Energy and Economic Roundtable and the Texas Aggregates and Concrete Association collectively kicking in \$60,000.

Pollution sources in San Antonio area

According to the Environmental Protection Agency, ground level ozone is created by chemical reactions between oxides of nitrogen and volatile organic compounds in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors and chemical solvents are some of the major sources of nitrogen oxides and volatile organic compounds. Here are the largest industrial sources of those pollutants in Atascosa, Bandera, Bexar, Comal, Frio, Guadalupe, Karnes, Kendall, McMullen, and Wilson counties in 2015, with the tons per year of each type of pollutant.

	Nitrogen oxides	Organic compounds
Alamo Cement Co.: 1604 Plant	2449	
Calumet San Antonio Refining: Petroleum Refinery		97
Capitol Aggregates: Portland Cement	581	93
Cemex Construction Materials South: Balcones Plant	2334	
CPS Energy: Calaveras Plant	4342	47
CPS Energy: Rio Nogales Power Plant	359	
CPS Energy: VH Braunig Plant	572	46
Enterprise Products Operating: Bandera Compressor Station	295	
Guadalupe Power: Guadalupe Generating Station	738	
Lhoist North America of Texas: Bulk Mineral Handling	558	
Motiva Enterprises: San Antonio Market Terminal		45
Nelson Gardens Energy Plant		47
San Miguel Electric Plant	2083	59
Southwest Research Institute	248	59
Structural Metals: Furnace & Steel Mill	106	
Toyota Vehicle Assembly Plant		430
TXI Operations: Hunter Plant	1411	76

Questions remain about what the EPA will do next. Seth Johnson, a Washington-based attorney for Earthjustice, provided a 60-day notice filed on Tuesday stating the group's intent to sue the EPA under the Clean Air Act. The group was among those that sued the EPA in July over the delay.

"This is an agency that has to follow the law," he said. "Part of the rule of law is if the government does something illegal, you can go to court."

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'Gravely mislead' on cap: Waste pits leaks topic at meeting

By Christopher James christopher.james@baytownsun.com | Posted: Tuesday, October 3, 2017 12:00 am

The Environmental Protection Agency recently confirmed that the San Jacinto River Waste Pits sustained damage from Harvey, which will be a hot topic of discussion at tonight's San Jacinto River Coalition meeting.

The meeting will start at 6:30 p.m. at the Highlands Community Center, 604 Highland Woods Drive.

Texas Health and Environmental Alliance Director Jacquelyn Young will lead the meeting and give site updates and discuss how the community should move forward after Harvey.

"We're going to be talking about recent findings, the anticipated Record of Decision, we are going to discuss my opportunity to meet (EPA) Administrator (Scott) Pruitt and we're going to also discuss some of the groups that are out there that claim this cap is working," said Young. "We just want to make sure we clarify the misinformation that's out there because anyone who believes this temporary cap is working, or has preformed as designed, has been gravely mislead."

When Harvey inundated the area with floodwaters, it was discovered month later that an unknown amount of cancer-causing dioxin was released when the storm damaged the protective cap.

The EPA said a sample collected by the agency dive team showed dioxin levels more than 2,300 times the level set to trigger a cleanup.

Before the discovery of the cap damage, Pruitt visited the waste pits and vowed that the EPA would announce a permanent solution to the site by Oct. 14.

The hope now is that the EPA will stick to their proposal of removing 152,000 cubic yards of contaminated materials at the northern site, which is partially submerged in the San Jacinto River. Removal work is estimated to take 19 months and about 13,000 truckloads to transport waste material to an off-site facility.

Since 2011 the site has been covered with an armored cap made of layers of geo-technical materials and covered with 59,000 tons of stone. The cap was designed to withstand a 100-year flood event but has required extensive repairs on at least six occasions in recent years, with sections becoming displaced or going missing.

But prior to 2011, the waste pits sat exposed in the San Jacinto River for more than four decades. The site was used to dispose of paper mill sludge from Champion Paper and contains mercury, PCBs, furans and dioxins.

Once the site was filled to capacity the pits were abandoned.



San Jacinto Waste Pits Superfund Site



Lawsuit: Arkema harmed residents before fires, blasts

Residents cite report detailing release of toxins

By **Matt Dempsey** | October 3, 2017 | Updated: October 4, 2017 9:09am

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Photo: Godofredo A. Vasquez

IMAGE 1 OF 17

The Arkema chemical plant is flooded from Tropical Storm Harvey Wednesday, Aug. 30, 2017, in Crosby, Texas. Floodwaters from Harvey have knocked out power and generators that keep volatile organic peroxides

[... more](#)

Even before explosions at the Arkema chemical plant shook the Crosby area, the battering from Hurricane Harvey had led to the release of more than 20,000 pounds of toxic chemicals into floodwaters, according to a lawsuit filed Tuesday.

The complaint, filed in federal court on behalf of 14 residents, seeks compensation from Arkema for health care expenses and damage to homes during the period when residents were evacuated, as well as punitive damages.

Arkema lost control of its Crosby facility after floodwaters cut power and wiped out its back up generators. With the power out and cooling systems failing, volatile organic peroxides exploded multiple times over the course of a week, producing towering pillars of fire and thick plumes of black smoke.

A 1.5-mile evacuation zone was established after government officials got access to the company's chemical inventories. About 300 households were evacuated during the crisis.

The lawsuit is the first to accuse Arkema of causing environmental damage separate from the fires and explosions.

The suit cites a report the company filed with the Texas Commission on Environmental Quality, disclosing details of the chemical spill, which occurred Aug. 28. Released into flood waters were potential carcinogens such as volatile organic compounds and ethylbenzene, and toxins such as tert butyl alcohol, which irritates skin and can cause vomiting and dizziness. The company report

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Arkema plant faces criminal investigation

response

After Harvey, EPA administrator vows bold

wasn't released to the public for more than a week because Gov. Greg Abbott had suspended TCEQ reporting rules before Harvey's arrival.



The federal lawsuit says residents living more than 6 miles from the Arkema facility were exposed to toxins and argues that the evacuation zone was not large enough to protect the public.

Health issues cited

Environmental lawyer Kevin Thompson, who represents the 14 plaintiffs, said his firm has conducted tests of ash, soil and water miles from the chemical facility, and that the results show his clients were harmed. According to the suit, some residents experienced respiratory problems, and one suffered burns and blisters on his legs after wading through contaminated flood waters.

Arkema rejected the suit's claims.

"Based on testing results received to date, Arkema has not detected chemicals in off-site ash, soil, surface or drinking water samples that exceeded ... levels established by TCEQ for soil and groundwater," said company spokesperson Janet Smith. "We are cooperating with authorities in ongoing investigations, and we will not comment further on these lawyers' accusations."

Thompson's firm is seeking class action status for anyone within a seven-mile radius of the company's Crosby facility.

TRANSLATOR

The case is the latest in Arkema's legal troubles since Hurricane Harvey.

Almost 30 residents and first responders have sued the company in Harris County, seeking more than \$1 million in damages. Also named as a defendant in that suit was Bureau Veritas, a global environmental testing company hired

by Arkema to conduct air monitoring around the facility. The company was accused of not disclosing critical information about chemical hazards to the public.

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Criminal investigation

In addition, Harris County commissioners have approved a civil suit contending that Arkema violated the Texas Clean Air Act and created a public nuisance. Rock Owens, managing attorney for the county attorney's environmental group, said the suit likely will be filed later this week or early next week, after county lawyers meet with counterparts at Rusty Hardin's law firm, which is representing Arkema in Harvey-related legal matters.

Harris County District Attorney Kim Ogg's office is conducting a criminal investigation. In addition, the Texas Commission on Environmental Quality, the U.S. Environmental Protection Agency and the federal Chemical Safety Board are all investigating Arkema.

Officials at the county attorney's office plan to meet with CSB officials next week and will share documents the county has acquired about Arkema, Owens said.

No sign of documents

He said the company has not provided the county with documents showing where and how it disposed of debris from the fire and explosions. Nor has it told the county how it tested drinking water or surface water near the plant, or what toxins were produced when its chemical inventory burned, Owens added.

Arkema did not respond to a request for comment on Owens' assertions.

The company has also refused to disclose its chemical inventories to the public and the media.

An investigation by the Houston Chronicle in 2016 found that Arkema was one of 55 facilities in the Houston area that pose a high potential for harm to the public, based on an analysis performed in conjunction with Texas A&M University. The study assessed potential harm based on the amount and type of dangerous chemicals on site and their proximity to the public.

The Arkema plant lies within the 500-year flood plain, according to a Chronicle analysis.



Matt Dempsey

Data Reporter

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Uchron <http://www.chron.com/news/houston-texas/houston/article/Flooded-residents-seek-answers-from-public-12251080.php>

Flooded residents seek answers from public officials

West Houston homeowners tell lawmakers, Corps officials of frustration over dam release

By **Brooke A. Lewis** Updated 8:37 am, Wednesday, October 4, 2017



IMAGE 1 OF 97

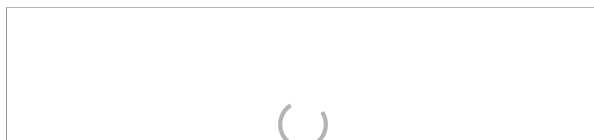
William Taggart IV, addresses government officials in a town hall meeting at St. John Vianney Catholic Church for Harvey response on Tuesday, Oct. 3, 2017, in Houston.

Every pew was filled Tuesday evening at St. John Vianney Catholic church, as hundreds of West Houston residents voiced their concerns more than a month after Hurricane Harvey left many of their homes flooded out and unlivable.

"I know for many of you this is something you thought you would never experience," said Lt. Gov. Dan Patrick. "Its been a long, long time since you woke up and things were normal."

Republican Patrick and other elected officials offered their sympathies to the crowd at the church. They also shared how government agencies are providing relief in the flood-ravaged area.

Residents appeared the most frustrated with the lack of specificity provided by elected officials and the Army Corps of Engineers about the release of water from both Addicks and Barker reservoirs.



"We need action. West Houston has delivered to the Republican Party for years," said one upset resident, Gregory Price, to raucous cheers. "It is time for you to deliver to us."

Col. Paul Owen, the Southwestern Division Commander for the Army Corps of Engineers, was on the hot seat, too, as residents fired questions asking for specifics on who made the decision to release water from the reservoirs and what type of relief they could expect now.

Patrick said he and other elected officials including Texas Sens. John Cornyn and Ted Cruz, both Republicans, are interested in seeking funds to build dams in other areas including at White Oak bayou, in Cypress and near the San Jacinto River.

"I'm not an engineer, but I know we have to take some pressure off of the Addicks and Barker [reservoirs], " Patrick, a former state senator from Houston, said to more cheers.

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Rebuilding a risk

Hands shot up all over the room as officials asked who flooded for the first time. The room was split with those who said they had flood insurance and for the ones who didn't.

Grumbles were heard as Owen said he could not answer many questions due to pending lawsuits against the Army Corps of Engineers.

"I know people feel that every bit of water that got in their home was from Addicks and Barker reservoirs, but there's a lot more water in the system than what came from Addicks and Barker reservoirs," Owen said to groans from the crowd.

Owen advised residents that they are rebuilding their homes at their own risks.

"I think it's important to understand the risk of where you're living right now," Owen said. "There's no guarantee that [a] storm isn't going to happen again."

Living in 'flood pool'

About 31,000 property owners in Harris and Fort Bend counties learned during Harvey's mass evacuations that their homes lie in what the federal government considers emergency lake beds behind the Barker and Addicks dams. Engineers call them "flood pools."

A group of flooded-out Harris County homeowners and businesses sued the federal government last month, accusing the U.S. Army Corps of Engineers of knowingly condemning their properties by releasing water from the Barker and Addicks reservoirs after Hurricane Harvey.

The standing-room-only meeting, which thinned out about halfway through the discussion, went on for more than two hours and touched on concerns from home buyouts, paying property taxes on storms damaged by the storm to what homeowners should do if they don't have flood insurance.

Senator Joan Huffman who serves portions of Brazoria, Fort Bend and Harris counties, acknowledged that she understood residents concerns.

"We are fighting for you" Huffman said. "Is it going to be perfect? Is it going to be easy? No."

Lise Olsen contributed to this report.

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H E A R S T

In wake of major floods, Texas water agency drafting statewide flood plan

The Texas Water Development Board is crafting the state's first-ever flood plan, which will take a comprehensive look at flooding vulnerabilities across the state and the projects that might mitigate them.

BY **KATIE RIORDAN** OCT. 4, 2017 9 HOURS AGO



Water remains on a street below the Barker reservoir dam in Houston on Monday, Sept. 18, 2017.

Michael Stravato for The Texas Tribune

For 60 years, the Texas Water Development Board has been the keeper of a master list of projects that are supposed to meet the state's water needs for the next half century. But

the latest list the agency is compiling is not about supplying water — it's about managing it.

Earlier this year in the wake of two major floods that crippled communities across the state — and just months before the remnants of Hurricane Harvey dumped a historic amount of rainfall on southeast Texas — state lawmakers voted to give the agency \$600,000 to create the state's first-ever flood plan. The document will broadly evaluate statewide flood risks and detail projects local governments want to pursue to mitigate those vulnerabilities with suggestions as to how the state could help fund or finance them.

“What we are doing over the next year or so is a desktop assessment of who is doing what, what are in the local plans [and] how much is it going to cost,” said Robert Mace, the water development board's deputy executive administrator.

The water development board aims to complete the plan before the Legislature convenes in 2019 so lawmakers will have official guidance as they decide which local projects to support.

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While the Legislature approved funding to develop the plan pre-Harvey, Mace said the widespread flooding the storm inflicted on the state underscores the urgency to have a comprehensive document with input from a broad range of voices involved in flood management. He said the agency will soon begin reaching out to municipal and county governments, planning authorities and citizens to learn about their respective local flood strategies and to identify future infrastructure needs to reduce flooding damage.

“It will be interesting to see: Are people on the same page or not in terms of what they would like to see from the state in terms of flood planning and flood policy?” Mace said.

Last year, [the water development board gained authority](#) to expand the scope of a [low-interest loan fund](#) to include more stormwater infrastructure projects. It now has half a billion dollars in loan capacity available to finance such proposals.

The kind of bridge financing the agency provides could prove useful as [Harvey relief dollars are not expected](#) to come in for months or even years. Gov. [Greg Abbott](#) said Friday [he might consider calling a special session](#) to disperse money for flood recovery

and prevention costs but also that any approved funds would only cover a “fraction of the costs” of longer-term flood prevention needs.

In the Houston area, local officials are now discussing a variety of flood control projects that have been delayed for years, such as a third major reservoir to detain floodwater as it travels downstream to the coast. They're also renewing their support for the construction of a physical barrier along the coast to protect from devastating storm surge during hurricanes, noting that Houston dodged a bullet with Harvey, which made landfall farther down the coast. The "coastal spine" project, under review by the U.S. Army Corps of Engineers, is estimated to cost some \$5.8 billion for the Houston area alone and at least \$11 billion for the entire six-county coastal region.

State and local leaders say the federal government ultimately would have to foot the bill for such a project.

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The chairman of the water development board, Bech Bruun, said during a panel discussion late last month at the Texas Tribune Festival that the agency could help finance such a venture, although he said someone would have to be on the hook for paying it all back.

“It’s important that we’re providing this financial assistance with the assurance that these are loans that will be repaid, so who is the underlying borrower that’s pledging that security to do so?” Bruun said.

As water development board staff works on the flood plan, Mace said they will ask local officials if they'd like to see the state create a permanent funding stream to support flood control projects and if so, what such a program would look like and how projects should be ranked.

The total price tag of the flood plan will surely be in the many billions of dollars.

And compiling a list of such needs, both large and small, is sure to invite broad policy discussions about how the state wants to approach future flood planning, Mace said.

There are many approaches the state could take after the plan is presented to the 2019 Legislature, but he said one thing is certain: “Flood risk is not going away in Texas.”

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- Houston Mayor Sylvester Turner on Tuesday gave his strongest endorsement to date for constructing a physical coastal barrier to protect the region from deadly storm surge. [\[Full story\]](#)
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Appeals court revives lawsuit about jurisdiction over Medina Lake

By Zeke MacCormack | October 3, 2017

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Photo: Bob Owen /San Antonio Express-News

This photo taken in July 2013 shows Medina Lake Dam. At this point, the drought had reduced the lake to just 5.2 percent of capacity.

A jurisdictional dispute between two area water agencies concerning Medina Lake is headed back to court in Bandera County after the Fourth Court of Appeals reversed a trial judge's 2016 ruling.

The Bandera County River Authority and Groundwater District brought suit against the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, a Natalia-based agency, in 2013 to resolve what authority, if any, the BMA might wield in Bandera County.

The groundwater district initially prevailed after a one-day trial in late 2015, but the appeals court last month scuttled that victory by ruling BMA is immune from the declaratory judgment action brought by the groundwater district.

Medina Lake, an irrigation reservoir from which BMA supplies downstream farmers, straddles the border between Medina County and Bandera County.

The groundwater district's borders match those of Bandera County. The borders of BMA match those of the Bexar, Medina and Atascosa counties.

The boundaries of legislatively created water districts cannot overlap by state code, unless otherwise stipulated.

The dispute stemmed, in part, from concern and confusion among Bandera County shoreline residents as to whether they are subject to regulation by BMA.

As examples of alleged encroachment on its territory, the groundwater district lawsuit cited studies commissioned by BMA of upstream ponds and lakeside wells and septic tanks along the Bandera shoreline.

The groundwater sought a declaratory judgment that BMA lacks authority inside Bandera County to inspect or investigate water wells, to promulgate or enforce rules concerning groundwater, or to enforce any rules concerning surface water.

BMA challenged the court's jurisdiction to rule on such issues because, it argued, there was no justiciable controversy ripe for determination because it had not attempted to exercise such powers in Bandera County.

State District Judge Rex Emerson ruled against BMA in early 2016, finding that the water control district lacks regulatory authority in Bandera County.

“BMA’s legislatively created jurisdiction is that of Bexar, Medina and Atascosa counties, and without statutory authority, it cannot extend its jurisdiction,” Emerson’s order said.

However, Emerson found that BMA, which owns some lake bottom property and has easements on other parcels in Bandera County, “has all the rights, duties and responsibilities of an individual property owner” on that land.

BMA holds state permits to draw 66,000 acre-feet of water from the lake annually. Emerson ruling’s said that the water control district may exercise regulatory jurisdiction at the lake only over the Medina County portion of it, which includes the dam.

In reversing Emerson’s decision on Sept. 13, the appeals court said, “One of the issues raised for the first time on appeal is whether BMA is immune from Bandera Water District’s declaratory judgment claims. Because we hold BMA is immune from the claims, we reverse the trial court’s judgment.”

It directed Emerson to allow the groundwater district to amend its pleadings “in an attempt to cure the jurisdictional defects in its petition.”

The attorneys for the parties could not be reached for comment Tuesday. David Mauk, manager of the groundwater district, declined comment.



Research team maps Harvey's toll on Galveston Bay

Water testing to gauge chemical, biological impact

By **Alex Stuckey** | October 3, 2017 | Updated: October 3, 2017 11:24pm

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Photo: Yi-Chin Lee, Houston Chronicle

IMAGE 1 OF 3

Karl Kaiser and students Amanda Fay, left, and Laura Leonard collect water along the Ship Channel.

GALVESTON - As the R/V Trident sped northwest through Galveston Bay, students and researchers from Texas A&M University's Galveston campus donned blue latex gloves and bright orange life vests, silently mouthing the words to Foreigner's "Cold As Ice" blaring over the boat's loud speakers.

Just ahead was Morgan's Point, at the entrance of the Port of Houston, the first stop of 10 planned to catalogue the chemical and biological effects on Galveston Bay of one of the worst storms in U.S. history. This station is the closest in proximity to the cities that took the brunt of Harvey's rage: The San Jacinto River starts here, the Buffalo Bayou dumps into the bay here and the San Jacinto Waste Pits are closer than is comfortable.

If contaminants have reached the bay, said Karl Kaiser, an assistant professor at the school, their concentration likely would be the highest here.

The group started gathering their samples, throwing orange buckets over the railing of the 65-foot catamaran and filtering the water into labeled bottles for future testing.

The water samples taken in recent weeks will be used to test for sewage, pharmaceuticals, metals and other chemicals, for example, that may have reached the bay because of Harvey.

And as more and more troubling reports are made about what has spilled as a result of Harvey, it seems unlikely the bay has been spared.

Raw sewage spilled

Indeed, that night, hours after the group had finished collecting water for the day, the U.S. Environmental Protection Agency announced that Harvey caused a leak in the waste pits, one of the city's most dangerous and vulnerable Superfund sites. A sample taken

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by the EPA found concentrations of dioxin - one of the most potent human carcinogens - at 2,000 times higher than the level at which the EPA requires cleanup.



EPA: Dioxin leaking from Waste Pits



Ships, trains and trucks recovering from Harvey's havoc



Will Hurricane Harvey bring federal support for the 'Ike dike'?



Harvey decimated Galveston Bay's oyster population

The EPA said Thursday that the dioxin in the waste material isn't easily dissolvable but it could migrate further into the surrounding sediments. Supplemental sampling will conclude to what extent it migrated, if at all.

Experts also are concerned about the amount of raw sewage that may have reached the bay after Harvey, as wastewater treatment plants struggled to remain operating both during and after Harvey. More than 30 million gallons were released in Harris and Fort Bend counties, some of which could have made its way into the bay. According to the Texas Commission on Environmental Quality, another 106 million gallons were released in Jefferson County, where it could flow directly into the Gulf of Mexico.

TCEQ has not yet responded to a public records request for the list of plants responsible for the spills. Twenty-one spills were reported in Jefferson County as of late last week, and one plant in the county still is considered inoperable more than a month after the storm. That plant, Port Arthur Products Station, has not leaked any wastewater, officials said.

In total, seven plants were considered inoperable or destroyed as of last week, TCEQ reported, four of which are in Harris County. The only plant still considered destroyed by TCEQ as of

Thursday is in Harris County: McDonough Marine Service in Channelview.

Adding to these concerns is that more than 100 companies, including Valero Energy, Exxon Mobil and Arkema, had reported chemical spills as of last month, according to U.S. Coast Guard data.

Leaving an imprint

The sun had barely risen over Galveston Bay last week when Kaiser and a dozen others - sipping coffee from steaming thermoses and rubbing sleep from their bleary eyes - finished preparing the Trident for an arduous day of water testing.

TRANSLATOR

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It was the fifth and final time over the past three weeks that Kaiser and his students, researchers and lab managers lugged coolers, water filtration systems and plastic and glass containers onto the boat. Hurricane Harvey's August landfall pummeled parts of Texas with feet of rain and blinding wind, flooding homes, businesses and schools across the southern part of the state. Its path of destruction included sewage treatment facilities, Superfund sites and chemical plants.

Testing of the water samples has not yet begun, but Kaiser thinks there will be changes.

"We want to see how the urban environment will leave its imprint on the bay system," Kaiser said. "And we can use this as an example so we can study and understand how the coastal ecological system will function after a major event like this."

The first stop at the port's entrance took just 20 minutes to complete. The boat's captain began the start-and-stop journey back to Pelican Island as the researchers stored their samples in coolers.

One station down, nine to go. Testing the water at different points would allow Kaiser to determine how far into the bay contamination has reached.

"It will be difficult to say how much sewage made it into the bay, " Kaiser said. "But we'll be able to get a qualitative sense of whether it's here."

Five hours later, a whoop went up among the group when they closed the lid on the last cooler at station 10.

"Done!" shouted one researcher. "That went rapid fire!"

It was only 1:30 p.m. Some of their previous trips had stretched until 5 p.m.

Response to flooding

But now the important part begins: testing each sample to determine the floods impact on their beloved bay.

Kaiser expects results from the water testing this month, but what happens afterward is unclear.

Harvey happened so quickly, Kaiser said, he and his colleagues jumped into action immediately, grabbing samples. But that means they started the effort without dedicated federal funding.

Researchers have applied for federal grants totaling about \$500,000, but Kaiser said for now they are wrapping the expenses into normal department operations. He's hopeful the federal funds will come in, he said, and he wants to use some of it to continue researching how the bay responds to this flooding event over time.

"We eventually want to see how the environment responds to the flooding," Kaiser said.

"Whether it goes back to its original state or it changes."

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Harvey disrupts Chevron Phillips Chemical expansion project

By Matt Hollis matt.hollis@baytownsun.com | Posted: Wednesday, October 4, 2017 12:00 am

While Chevron Phillips Chemical is commissioning and starting-up its new polyethylene units at Old Ocean, there is a slight delay with its ethane cracker in Baytown.

Baytown Chevron Phillips Chemical spokeswoman Heather Betancourth issued a statement on the delay.

“The Baytown facility recently experienced flooding as a result of Hurricane Harvey,” Betancourth said. “Chevron Phillips Chemical currently expects to complete construction and begin commissioning the ethane cracker by first quarter 2018 with a transition to full production during second quarter 2018.”

The ethane cracker is a part of the company’s \$6 billion U.S. Gulf Coast Petrochemicals Project.

The Old Ocean new polyethylene units are also part of the expansions. Each will produce up to 500,000 metric tons annually to service the ever-increasing global demand for polyethylene. The units can produce a wide variety of polyethylene resin from metallocene LLDPE film to bi-modal film and pipe products, displaying the wide capability of Chevron Phillips Chemical’s proprietary MarTech technology, said Mark Lashier, president and CEO of Chevron Phillips Chemical.

“In 2011, Chevron Phillips Chemical was the first to announce a leading-edge \$6 billion petrochemicals project to take advantage of the newfound shale gas resources in the United States and I am thrilled we are completing the first phase of this project,” Lashier said. “I want to thank the thousands of employees and contractors who worked to build this incredible new asset that will allow us to continue to meet the growing demand of our loyal customer base worldwide.”

Chevron Phillips Chemical’s world-recognized Marlex polyethylene resin produced at Old Ocean will be delivered to customers in North America and to strategic transloading facilities across the United States for export to all regions of the world, supporting the dynamic growth seen around the globe by the company and its many MarTech licensees.

“Abundant shale gas resources are fueling an economic revival that extends across the nation and supports economic growth around the globe. Chevron Phillips Chemical is proud to be a leading contributor to the nation’s growing workforce and strengthening economy,” said Lashier.



Chevron Phillips expansion in final stages

An ariel view of Chevron Phillips Chemical’s \$6 billion expansion project in Baytown. The project is the size of 44 football fields. The company announced in 2012 they were building a world-scale ethane cracker and plan to complete the project at the end of this year. It will produce 1.5 metric tons of ethylene per year.